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P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

STORK, KYLE R

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/993,116
Filing Date: November 14, 2001
Appellant(s): SIMPSON ET AL.

David Rodack
Reg. No. 47,034
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 20 November 2006 appealing from the Office action mailed 19 May 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5805747	Bradford	9-1998
2002/0174230	Gudorf et al.	5-2001

2002/0059243

Gillespie et al.

7-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37-43 and 47-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudorf et al. (2002/0174230, filed 15 May 2001, hereafter Gudorf) and further in view of Bradford (US 5805747, patented 8 September 1998).

As per independent claim 37, Gudorf discloses a system comprising:

- A browser having a user ID comprising a reference to a user profile associated with a profile store, the user profile comprising a reference to a graphics store and a composition store associated with a user, a program exposed to web content downloaded to the browser over a network, the web content comprising one or more graphics (paragraphs 0026: Here, the system includes a browser; paragraph 0004: Here, a login screen is used to allow a user to identify himself/herself; paragraphs 0056-0059: Here, the references, including "nanny

cam” and “local weather radar” are graphics retrieved from the graphics store by the composition store)

- A user profile server comprising the profile store, wherein the profile store comprises user specific data (paragraph 0004: Here, the login data is maintained at a remote site (server))
- A graphics store, wherein the graphics store is configured to enable network access by the browser of one or more graphics (paragraphs 0056-0059: Here, the references, including “nanny cam” and “local weather radar” are graphics retrieved from the graphics store by the composition store)
- A composition store, wherein the composition store comprises one or more compositions that determine the manner in which the one or more graphics are mapped into a series of web pages (paragraph 0045: Here, the composition store stores templates specifying how the user specific graphics populate the template)
- Wherein the browser is coupled over a network to the user profile server, the graphics store, and the composition store, and wherein the user specific data and the one or more graphics formatted according to the one ore more compositions available to a web service (paragraph 0056: Here, a user is presented a personalized web page via the user profile, graphics store, and composition store)

Gudorf fails to specifically disclose using separate servers for both the graphics store and the composition store. However, Gudorf does suggest using servers for data (paragraphs 0024). It would have been obvious to one of ordinary skill in the art at the

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time of the applicant's invention to have combined Gudorf's system with Gudorf's servers, since it would have allowed for greater processing performance and storage capacity (paragraph 0024).

Gudorf fails to specifically disclose use of applications program interface (API) and an API configured for OCR. However, Bradford discloses use of an API and an API configured for OCR (column 7, lines 49-67: Here, an API allows for various devices to operate in conjunction with each other. Further, and API for OCR is specifically disclosed). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Gudorf with Bradford, since it would have allowed a plurality of devices to interact without user interference (Bradford: column 7, lines 49-67).

As per dependent claim 38, Gudorf and Bradford disclose the limitations similar to those in claim 37, and the same rejection is incorporated herein. Gudorf further discloses wherein the user profile comprises a reference to a composition associated with the composition store, a reference to a default composition associated with the composition store, or a combination of both (paragraph 0045).

As per dependent claim 39, Gudorf and Bradford disclose the limitations similar to those in claim 38, and the same rejection is incorporated herein. Gudorf further discloses wherein the reference comprises a URL (paragraph 0026).

As per dependent claim 40, Gudorf and Bradford disclose the limitations similar to those in claim 37, and the same rejection is incorporated herein. Gudorf further discloses wherein the browser is configured to receive web content (paragraph 0026).

As per dependent claim 41, Gudorf and Bradford disclose the limitations similar to those in claim 40. Gudorf further discloses responsive to activation by the web content, using the user ID to access a user profile (paragraph 0004). Bradford further discloses use of an API (column 7, lines 49-67). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Gudorf with Bradford, since it would have allowed a plurality of devices to interact without user interference (Bradford: column 7, lines 49-67).

As per dependent claim 42, Gudorf and Bradford disclose the limitations similar to those in claim 41, and the same rejection is incorporated herein. Gudorf further disclose wherein responsive to the access of the user profile, the web browser is configured to present the web content using the user specific data (paragraph 0056).

As per dependent claim 43, Gudorf and Bradford disclose the limitations similar to those in claim 40, and the same rejection is incorporated herein. Gudorf further discloses wherein the web content comprises HTML commands and generic access instructions (paragraph 0026).

As per dependent claim 47, Gudorf and Bradford disclose the limitations similar to those in claim 37, and the same rejection is incorporated herein. Gudorf further discloses wherein the one or more compositions comprise a reference to the one or more graphics in the graphics store (paragraphs 0056-0062).

As per dependent claim 48, Gudorf and Bradford disclose the limitations similar to those in claim 37, and the same rejection is incorporated herein. Gudorf further

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discloses wherein the composition store comprises a default composition store (paragraph 0045).

As per dependent claim 49, Gudorf and Bradford disclose the limitations similar to those in claim 37, and the same rejection is incorporated herein. Gudorf further discloses wherein the one or more compositions comprise a default composition or default compositions (paragraphs 0045; 0056-0062).

As per dependent claim 50, Gudorf and Bradford discloses the limitations similar to those in claim 37, and the same rejection is incorporated herein. Gudorf further discloses creating one or more compositions stored in the same composition store (paragraph 0045: Here, a single composition store, a database, is disclosed; paragraphs 0056-0062: Here, there are different compositions for each web page, including the workplace and home web pages).

As per dependent claim 51, the applicant discloses the limitations substantially similar to those in claim 39. Claim 51 is similarly rejected.

As per dependent claim 52, Gudorf and Bradford disclose the limitation similar to those in claim 37, and the same rejection is incorporated herein. Gudorf further discloses wherein the profile store comprises user specific data for a plurality of users (paragraph 0003).

As per dependent claim 53, Gudorf and Bradford disclose the limitations similar to those in claim 37, and the same rejection is incorporated herein. Gudorf further discloses changes to the user profile store (paragraph 0047). Bradford further discloses use of an API (column 7, lines 49-67). It would have been obvious to one of ordinary

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skill in the art at the time of the applicant's invention to have combined Gudorf with Bradford, since it would have allowed a plurality of devices to interact without user interference (Bradford: column 7, lines 49-67).

As per dependent claim 54, Gudorf and Bradford disclose the limitations similar to those in claim 37, and the same rejection is incorporated herein. Gudorf further discloses wherein the graphics server provides text information (paragraphs 0056-0062: Here, each link is graphic data. This includes several pieces of text information).

As per independent claim 55, the applicant discloses the limitations substantially similar to those in claim 37. Gudorf further discloses authentication for verifying a user identity (paragraph 0004). Claim 55 is similarly rejected under Gudorf and Bradford.

As per independent claim 56, the applicant discloses the method for providing the system of claim 37 personalized web pages. Claim 56 is similarly rejected under Gudorf and Bradford.

As per dependent claim 57, the applicant discloses the limitations similar to those in claim 39. Claim 57 is similarly rejected.

As per dependent claim 58, Gudorf and Bradford disclose the limitations similar to those in claim 56, and the same rejection is incorporated herein. Gudorf further discloses accessing a server that comprises a location of the user profile (paragraph 0004).

As per dependent claim 59, the applicant discloses the limitations similar to those in claim 41. Claim 59 is similarly rejected.

As per dependent claim 60, Gudorf and Bradford disclose the limitations similar to those in claim 56, and the same rejection is incorporated herein. Gudorf further discloses wherein creating one or more graphics is based on generic instructions corresponding to the web content (paragraph 0045). Bradford further discloses use of an API (column 7, lines 49-67). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Gudorf with Bradford, since it would have allowed a plurality of devices to interact without user interference (Bradford: column 7, lines 49-67).

As per dependent claim 61, the applicant discloses the limitations similar to those in claim 50. Claim 61 is similarly rejected.

As per dependent claim 63, Gudorf and Bradford disclose the limitations similar to those in claim 56, and the same rejection is incorporated herein. Gudorf further discloses wherein storing comprises storing in a single server (paragraph 0004).

As per dependent claim 64, Gudorf and Bradford disclose the limitations similar to those in claim 56, and the same rejection is incorporated herein. Gudorf further discloses wherein storing comprises storing in a plurality of servers (paragraphs 0024). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Gudorf and Bradford's system with Gudorf's servers, since it would have allowed for greater processing performance and storage capacity (paragraph 0024).

As per dependent claim 64, the applicant discloses the limitations similar to those in claim 53. Claim 64 is similarly rejected.

As per dependent claim 65, the applicant discloses the limitations similar to those in claim 55. Claim 65 is similarly rejected.

As per independent claim 66, the applicant discloses the limitations similar to those in claim 36. Claim 66 is similarly rejected.

Claims 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudorf and Bradford and further in view of Gillespie et al. (US 2002/0059243, filed 26 July 1999, hereafter Gillespie).

As per dependent claim 44, Gudorf and Bradford disclose the limitations similar to those in claim 37, and the same rejection is incorporated herein. Gudorf fails to specifically disclose wherein the graphics store is configured to enable manipulation of formats over the network for the one or more graphics. However, Gillespie discloses wherein the graphics store is configured to enable manipulation of formats over the network for the one or more graphics (paragraphs 0004-0005). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Gudorf and Bradford with Gillespie, since it would have allowed a user to view remotely stored graphics without having the legacy system in which the images are stored (Gillespie: paragraph 0004).

As per dependent claim 45, Gudorf, Bradford, and Gillespie disclose the limitations similar to those in claim 44, and the same rejection is incorporated herein. Gillespie further discloses where the graphics store comprises a default graphics store (paragraph 0006: Here, the converted images are stored in a database). It would have

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been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Gudorf, Bradford, and Gillespie with Gillespie, since it would have allowed a user to more rapidly access locally converted image data.

As per dependent claim 46, Gudorf, Bradford, and Gillespie disclose the limitations similar to those in claim 44, and the same rejection is incorporated herein. Gillespie further discloses wherein, responsive to activation by web content, creating the one or more graphics and stores the same in the graphics store (paragraphs 0004-0006). Bradford further discloses use of an API (column 7, lines 49-67). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Gudorf with Bradford, since it would have allowed a plurality of devices to interact without user interference (Bradford: column 7, lines 49-67). Further, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Gudorf, Linden, and Gillespie with Gillespie, since it would have allowed a user to easily view graphics data (Gillespie: paragraphs 0004-0006).

(10) Response to Argument

With respect to independent claim 37, the appellant argues that the prior art of record fails to teach, "a user profile that comprises a reference to a... composition store associated with a user (page 13)." However, Gudorf discloses a login screen allowing a user to identify himself/herself (paragraph 0004). Further, a portal provider populates a default template with a user's personalized online content (paragraph 0045 and Figure

3). This personalized online content is equivalent to a user specific data or a user profile.

Additionally, the examiner is not equating default portal templates to a composition store, as the appellant appears to argue (page 13). Instead, the default portal templates (paragraph 0045; Figure 3, item 102) are populated with associated content (paragraph 0045; Figure 3, item 104). This associated content is the composition store. Further, the associated content (item 104) is used in conjunction with a user characterization database (Figure 3, item 96) to populate the default template (item 102) and generate personalized online content (item 106). Additionally, the user characterization database contains a plurality of information about a user, including identification information, user preferences, and navigation tracking history (Figure 4; paragraph 0051). Finally, the portal is personalized using user preferences contained in the characterization database (paragraph 0055).

Further, the appellant argues that Gudorf discloses a browser and not an API, while Bradford discloses an API and not a browser (page 14). An API is commonly defined as a formalized set of software calls and routines that can be referenced by an application program in order to access supporting system or network services. While Gudorf does not specifically disclose an API, an API is inherently used if application programs are communicating. Figure 3 of Gudorf discloses communication between several programs and systems allowing for the creation of a portal.

Despite the inherent inclusion of an API in Gudorf, the examiner has further sited the Bradford reference for an explicit disclosure of an API. Bradford discloses an OCR

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system having an API to communicate with other devices and programs (column 7, lines 49-67). Although Bradford does not specifically disclose use of a browser, the OCR system of Bradford operates in a network environment. In its simplest form, a browser is a program used to navigate Internet sites. Further, the Internet is simply a large network of connected computers. Therefore, if the OCR system of Bradford is capable of performing OCR on data stored in a network, this is roughly equivalent performing OCR in a browser. Further, the examiner has previously suggest it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Gudorf with Bradford, since it would have allowed a plurality of devices to interact without user interference (Bradford: column 7, lines 49-67).

The appellant further argues that this motivation is insufficient based upon the belief that neither reference provides a "teaching or suggestion in the references or art of record to use separate servers for the graphics store and composition (page 15)." However, the examiner is not relying upon the art to provide separate servers for graphics and composition stores. Instead, the examiner states that the references disclose the advantage of allowing a plurality of devices to interact without user interference, which is a known advantage of APIs.

Further, the appellant argues that the examiner has used improper hindsight reasoning in combining Gudorf and Bradford (pages 15-16). However, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made,

and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). As already stated, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Gudorf with Bradford, since it would have allowed a plurality of devices to interact without user interference (Bradford: column 7, lines 49-67).

With respect to claims 56 and 66, the appellant argues the limitations similar to those argued with respect to claim 37 (pages 17-18). These arguments have been addressed above, and are similarly rejected.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


krs

Conferees:


Stephen Hong, SPE 2178


Heather Herndon, SPE 2176


STEPHEN HONG
SUPERVISORY PATENT EXAMINER